

CDE *Instructor*

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CHILD PASSENGER RESTRAINT SYSTEMS AND LAP/SHOULDER BELTS

The following Instructor Bulletin (IB) discusses the requirements for the use of appropriate child passenger restraint systems on California school buses.

Lap/Shoulder Belts:

Senate Bill (SB) 568 (Morrow) amends *Vehicle Code* section 27316, and was signed into law by Governor Davis, and becomes effective January 1, 2002. Originally, *Vehicle Code* section 27316 required the installation of lap/shoulder belts or "Type 2" restraint systems (as defined in FMVSS 209), on all new California school buses manufactured on or after January 1, 2002. SB 568 extends the implementation date of the requirement for installation of these restraint systems (lap/shoulder belts), until July 1, 2004 for "Type II" school buses, and July 1, 2005 for "Type I" school buses.

Child Passenger Restraint Systems (Child Car Seats):

Senate Bill (SB) 42 (Speier) amends *Vehicle Code* section 27360.5, and was signed into law by Governor Davis, and becomes effective on January 1, 2002. *Vehicle Code* section 27360.5 now requires that, "*No driver may transport on a highway any child who is six years of age, but less than 16 years of age, or who is less than six years of age and weighs 60 pounds or more in a motor vehicle, as defined in Section 27315, without providing and properly securing the child in a child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards.*" The key element in this section is the language, which states, "*in a motor vehicle, as defined in Section 27315.*"

Vehicle Code section 27315(c)(1) states, "*As used in this section, "motor vehicle" means any passenger vehicle or any motortruck or truck tractor, but does not include a motorcycle.*" *Vehicle Code* section 465 defines a "passenger vehicle" as, "*A "passenger vehicle" is any motor vehicle, other than a motortruck, truck tractor, or a bus, as defined in Section 233, and used or maintained for the transportation of persons. The term "passenger vehicle" shall include a housecar.*"

By reviewing each of these *Vehicle Code* sections we arrive at the determination that a bus, as defined in *Vehicle Code* section 233 (which includes school buses), is **not** defined as a "motor vehicle" as referenced in SB 42 and *Vehicle Code* section 27360.5. Therefore, it is clear that the intent of the legislation was to exempt buses (including school buses) from the requirements of SB 42, and *Vehicle Code* section 27360.5.

Even though the use of child passenger restraint systems and safety belts are not required by law, it is the Department's recommendation that school districts, private schools, and school bus contractors develop policies and procedures to address the safety needs of school pupils under the age of six (6) and/or weighing 60 pounds or less when transported in school buses. School pupil transportation providers have both a legal and moral obligation to adequately provide for the safe transportation of younger pupils, which may require the use of approved child passenger restraint systems and/or safety belts.

An excellent source of information regarding the transportation of pupils in grades K-3 and preschool pupils is the National Highway Traffic Safety Administration (NHTSA), and their documents Choosing the Correct School Bus For Transporting Pre-School Age Children, and Proper Use of Child Safety Restraint Systems in School Buses.

For further information on this subject please contact the Department of Education's Office of School Transportation at (916) 375-7100.